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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SEMMATERIALS, L.P.,

Plaintiff,

No. CIV. S-08-0843 FCD GGH

v.

MARTIN BROTHERS CONSTRUCTION,

Defendant.

RELATED CASE ORDER

ROAD SCIENCE, L.L.C.,

Plaintiff,

No. CIV. S-09-2023 JAM KJM

v.

CONTINENTAL WESTERN
TRANSPORTATION COMPANY, INC.,
et. al.,

Defendants.

Examination of the above-entitled actions reveals that they are related within the meaning of Local Rule 83-123(a) (E.D. Cal. 1997). The actions involve the same or similar claims, the same property transaction or event, similar questions of fact and the same questions of law, and would therefore entail a substantial duplication of labor if heard by different judges. Accordingly, the assignment of the matters to the same judge is likely to effect a substantial savings of judicial effort and is also likely to be convenient for the parties.

1 The parties should be aware that relating the cases under Local Rule 83-123 merely has
2 the result that these actions are assigned to the same judge; no consolidation of the actions is
3 effected. Under the regular practice of this court, related cases are generally assigned to the
4 judge and magistrate judge to whom the first filed action was assigned.

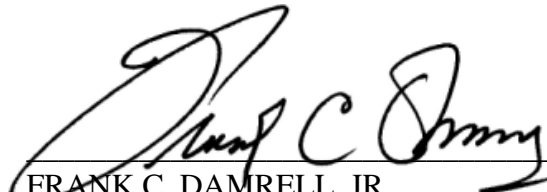
5 IT IS THEREFORE ORDERED that the action denominated, CIV S-09-2023 JAM KJM
6 is reassigned to District Judge Frank C. Damrell, Jr., and Magistrate Judge Gregory G. Hollows
7 for all further proceedings, and any dates currently set in this reassigned case only are hereby
8 VACATED. Henceforth, the caption on documents filed in the reassigned case shall be shown
9 as: **CIV S-09-2023 FCD GGH.**

10 IT IS FURTHER ORDERED that the Clerk of Court issue an Order Requiring a Joint
11 Status Report for the undersigned.

12 IT IS FURTHER ORDERED that the Clerk of Court make appropriate adjustment in the
13 assignment of civil cases to compensate for this reassignment.

14 IT IS SO ORDERED.

15 DATED: July 23, 2009

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18 FRANK C. DAMRELL, JR.
19 UNITED STATES DISTRICT JUDGE
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